

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMIDA CAPITAL MANAGEMENT II,
LLC,

Plaintiff,

-against-

CERBERUS CAPITAL MANAGEMENT,
L.P.,

Defendant.

ECF Case

Case No. 1:08-CV-05516-MGC

NOTICE OF WITHDRAWAL OF MOTION

Defendant Cerberus Capital Management, LLP hereby withdraws, without prejudice, its August 7, 2008 Motion to Dismiss the Complaint (Dkt. #9).

Dated: New York, New York
August 19, 2008

MILBANK, TWEED, HADLEY & McCLOY
LLP

By: /s/ Michael L. Hirschfeld
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CERTIFICATE OF SERVICE

I, Michael L. Hirschfeld, an attorney duly admitted to practice before the United States District Court for the Southern District of New York, certify that on August 19, 2008, a copy of the foregoing Notice of Withdrawal of Motion was filed electronically. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

/s/ Michael L. Hirschfeld
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